

111TH CONGRESS
1ST SESSION

S. 1311

To amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2009

Mr. WICKER (for himself, Ms. LANDRIEU, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gulf of Mexico Res-
5 toration and Protection Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the Gulf of Mexico is a valuable resource of
2 national and international importance, continuously
3 serving the people of the United States and other
4 countries as an important source of food, economic
5 productivity, recreation, beauty, and enjoyment;

6 (2) over many years, the resource productivity
7 and water quality of the Gulf of Mexico and its wa-
8 tershed have been diminished by point and nonpoint
9 source pollution;

10 (3) the United States should seek to attain the
11 protection and restoration of the Gulf of Mexico eco-
12 system as a collaborative regional goal of the Gulf
13 of Mexico Program; and

14 (4) the Administrator of the Environmental
15 Protection Agency, in consultation with other Fed-
16 eral agencies and State and local authorities, should
17 coordinate the effort to meet those goals.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to expand and strengthen cooperative ef-
20 forts to restore and protect the Gulf of Mexico;

21 (2) to expand Federal support for monitoring,
22 management, and restoration activities in the Gulf
23 of Mexico and its watershed;

24 (3) to commit the United States to a com-
25 prehensive cooperative program to achieve improved

1 water quality in, and improvements in the produc-
 2 tivity of living resources of, the Gulf of Mexico; and
 3 (4) to establish a Gulf of Mexico Program to
 4 serve as a national and international model for the
 5 collaborative management of large marine eco-
 6 systems.

7 **SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

8 Title I of the Federal Water Pollution Control Act
 9 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 10 the following:

11 **“SEC. 123. GULF OF MEXICO RESTORATION AND PROTEC-**
 12 **TION.**

13 “(a) DEFINITIONS.—In this section;

14 “(1) GULF OF MEXICO ECOSYSTEM.—The term
 15 ‘Gulf of Mexico ecosystem’ means the ecosystem of
 16 the Gulf of Mexico and its watershed.

17 “(2) GULF OF MEXICO EXECUTIVE COUNCIL.—
 18 The term ‘Gulf of Mexico Executive Council’ means
 19 the formal collaborative Federal, State, local, and
 20 private participants in the Program.

21 “(3) PROGRAM.—The term ‘Program’ means
 22 the Gulf of Mexico Program established by the Ad-
 23 ministrator in 1988 as a nonregulatory, inclusive
 24 partnership to provide a broad geographic focus on

1 the primary environmental issues affecting the Gulf
2 of Mexico.

3 “(4) PROGRAM OFFICE.—The term ‘Program
4 Office’ means the office established by the Adminis-
5 trator to administer the Program that is reestab-
6 lished by subsection (b)(1)(A).

7 “(b) CONTINUATION OF GULF OF MEXICO PRO-
8 GRAM.—

9 “(1) GULF OF MEXICO PROGRAM OFFICE.—

10 “(A) REESTABLISHMENT.—The Program
11 Office established before the date of enactment
12 of this section by the Administrator is reestab-
13 lished as an office of the Environmental Protec-
14 tion Agency.

15 “(B) REQUIREMENTS.—The Program Of-
16 fice shall be—

17 “(i) headed by a Director who, by rea-
18 son of management experience and tech-
19 nical expertise relating to the Gulf of Mex-
20 ico, is highly qualified to direct the devel-
21 opment of plans and programs on a variety
22 of Gulf of Mexico issues, as determined by
23 the Administrator; and

1 “(ii) located in a State all or a portion
2 of the coastline of which is on the Gulf of
3 Mexico.

4 “(C) FUNCTIONS.—The Program Office
5 shall—

6 “(i) coordinate the actions of the En-
7 vironmental Protection Agency with the ac-
8 tions of the appropriate officials of other
9 Federal agencies and State and local au-
10 thorities in developing strategies—

11 “(I) to improve the water quality
12 and living resources in the Gulf of
13 Mexico ecosystem; and

14 “(II) to obtain the support of ap-
15 propriate officials;

16 “(ii) in cooperation with appropriate
17 Federal, State, and local authorities, assist
18 in developing and implementing specific ac-
19 tion plans to carry out the Program;

20 “(iii) coordinate and implement pri-
21 ority State-led and community-led restora-
22 tion plans and projects and facilitate
23 science, research, modeling, monitoring,
24 data collection, and other activities that
25 support the Program;

1 “(iv) implement outreach programs
2 for public information, education, and par-
3 ticipation to foster stewardship of the re-
4 sources of the Gulf of Mexico;

5 “(v) develop and make available,
6 through publications, technical assistance,
7 and other appropriate means, information
8 pertaining to the environmental quality
9 and living resources of the Gulf of Mexico
10 ecosystem;

11 “(vi) serve as the liaison with, and
12 provide information to, the Mexican mem-
13 bers of the Gulf of Mexico States Accord
14 and Mexican counterparts of the Environ-
15 mental Protection Agency; and

16 “(vii) focus the efforts and resources
17 of the Program Office on activities that
18 will result in measurable improvements to
19 water quality and living resources of the
20 Gulf of Mexico ecosystem.

21 “(c) INTERAGENCY AGREEMENTS.—The Adminis-
22 trator may enter into 1 or more interagency agreements
23 with other Federal agencies to carry out this section.

24 “(d) GRANTS.—

1 “(1) IN GENERAL.—In accordance with the
2 Program, the Administrator may provide grants to
3 nonprofit organizations, State and local govern-
4 ments, colleges, universities, interstate agencies, and
5 individuals to carry out this section for use in—

6 “(A) monitoring the water quality and liv-
7 ing resources of the Gulf of Mexico ecosystem;

8 “(B) researching the effects of natural and
9 human-induced environmental changes on the
10 water quality and living resources of the Gulf of
11 Mexico ecosystem;

12 “(C) developing and executing cooperative
13 strategies that address the water quality and
14 living resource needs in the Gulf of Mexico eco-
15 system;

16 “(D) developing and implementing locally
17 based protection and restoration programs or
18 projects within a watershed that complement
19 those strategies, including the creation, restora-
20 tion, protection, or enhancement of habitat as-
21 sociated with the Gulf of Mexico ecosystem; and

22 “(E) eliminating or reducing point sources
23 that discharge pollutants that contaminate the
24 Gulf of Mexico ecosystem, including activities to

1 eliminate leaking septic systems and construct
2 connections to local sewage systems.

3 “(2) FEDERAL SHARE.—The Federal share of
4 the cost of any project or activity carried out using
5 a grant provided under this section shall not exceed
6 75 percent, as determined by the Administrator.

7 “(3) ADMINISTRATIVE COSTS.—Administrative
8 costs in the form of salaries, overhead, or indirect
9 costs for services provided and charged against pro-
10 grams or projects carried out using funds made
11 available through a grant under this subsection shall
12 not exceed 15 percent of the amount of the grant.

13 “(e) REPORTS.—

14 “(1) ANNUAL REPORT.—Not later than Decem-
15 ber 30, 2009, and annually thereafter, the Director
16 of the Program Office shall submit to the Adminis-
17 trator and make available to the public a report that
18 describes—

19 “(A) each project and activity funded
20 under this section during the previous fiscal
21 year;

22 “(B) the goals and objectives of those
23 projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the pri-

1 ority needs of the region are being met
 2 through that implementation; and

3 “(v) make recommendations for the
 4 improved management of the Program, in-
 5 cluding strengthening strategies being im-
 6 plemented or adopting improved strategies.

7 “(f) BUDGET ITEM.—The Administrator, in the an-
 8 nual submission to Congress of the budget of the Environ-
 9 mental Protection Agency, shall include a funding line
 10 item request for the Program Office as a separate budget
 11 line item.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to carry out this section,
 14 to remain available until expended—

15 “(1) \$10,000,000 for fiscal year 2010;

16 “(2) \$15,000,000 for fiscal year 2011; and

17 “(3) \$25,000,000 for each of fiscal years 2012
 18 through 2014.”.

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